

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**INTELLECTUAL PROPERTY (AMENDMENT) ACT, No. 8 OF 2021**

**[Certified on 18th of January, 2021]**

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| *Intellectual Property (Amendment)* | 1 |

*Act, No. 8 of 2021*

[Certified on 18th of January, 2021]

L.D.—O. 11/2016

AN ACTTOAMENDTHE INTELLECTUAL PROPERTY   
ACT, NO.36 OF 2003

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

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| **1.** | This Act may be cited as the Intellectual Property | Short title |

(Amendment) Act, No. 8 of 2021.

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| **2.** | Section 5 of the Intellectual Property Act, No. 36 of | Amendment of section 5 of Act, No. 36 of 2003 |
| 2003 (hereinafter referred to as the “principal enactment”) is hereby amended as follows:— | |
| (1) | by the insertion immediately before the definition |

of the expression “audiovisual work”, of the   
following definition:–

‘“accessible format” means a copy of a work in an   
alternative form or manner which gives a   
beneficiary person access to such work,   
including to permit such person to have access   
as feasibly and comfortably as a person   
without any disability which a beneficiary   
person has. The accessible format copy shall   
be used exclusively by beneficiary persons   
and shall respect the intergrity of the original   
work, taking into consideration of the changes   
needed to make the work accessible in the   
alternative format and of the accessibility   
needs of the beneficiary person;”.

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(2) by the insertion immediately after the definition of   
 the expression “author” of the following   
 definition:–

“ “beneficiary person” means any person who–

(*a*) is blind;

(*b*) has a visual impairment or a perceptual   
or reading disability which cannot be   
improved to give visual function   
substantially equivalent to a person who   
has no such impairment or disability and   
is unable to read printed works to   
substantially the same degree as a person   
without any such impairment or   
disability; or

(*c*) is otherwise unable, through physical   
disability to hold or manipulate a book   
or to focus or move eyes to the extent that   
is acceptable for reading,

regardless of any other disability;”.

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| Insertion of new section 12A in  the principal  enactment | **3.** The following new section is hereby inserted immediately after section 12 of the principal enactment and shall have effect as section 12A of that enactment:– | | |
| “Fair use of a | 12A. (1) | (*a*) Notwithstanding anything |
| work by any authorized  entity to  facilitate a | contained in this Part, any authorized entity may adapt, reproduce and issue of copies of any work in an accessible format for the benefit | |
| beneficiary person | of a beneficiary person in order to facilitate such beneficiary person to access such work | |

including the sharing with any other   
beneficiary person of such work where the

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reproduction is made exclusively for the own   
use of the beneficiary person, his educational   
purpose or research and where the original   
format of such work prevents the enjoyment   
thereof by such person. Such adaptation,   
reproduction and issue of copies of any work   
by the authorized entity shall not be an   
infringement of copyright.

(*b*) The provisions of paragraph (*a*) shall   
apply for any work only where such work is not   
commercially available in such accessible   
format under reasonable terms. In such event,   
the Minister shall deposit a notification with   
the Director-General of the World Intellectual   
Property Organization declaring the limitations   
or exceptions, as the case may be, to such work.

(2) An authorized entity shall–

(*a*) be such persons or organizations as   
shall be prescribed by the Minister   
in consultation with the Director-  
General of Intellectual Property;

(*b*) make available to any beneficiary   
person copies of any work in   
accessible format on non-profit basis   
recovering only the cost of the   
production of such work in an   
accessible format;

(*c*) ensure that copies of any work in   
accessible format are used only by a   
beneficiary person and take   
reasonable steps to prevent its entry   
into ordinary channels of business;

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(*d*) limit the supply of copies of any   
work in accessible format only to   
adapt, reproduce and issue of copies   
of such work to the beneficiary   
persons or any other persons acting   
on behalf of the beneficiary person;

(*e*) discourage the reproduction,   
distribution and making available   
of unauthorized copies of any work   
in acccessible format; and

(*f*) maintain due care in, and records of   
its handling of copies of any work   
in accessible format while   
respecting the privacy of a   
beneficiary person.”.

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| Sinhala text to  prevail in case of inconsistency | **4.** | In the event of any inconsistency between the Sinhala |
| and Tamil texts of this Act, the Sinhala text shall prevail. | |

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